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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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06/28/2001

Hani El-Gebaly

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8098

7590

06/05/2006

Kevin A. Reif
c/o BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025

EXAMINER

JEAN GILLES, JUDE

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/896,521

Applicant(s)

EL-GEHALY ET AL.

Examiner

Jude J. Jean-Gilles

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2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 10-14, 17-21 and 24-27 is/are rejected.
- 7) ☒ Claim(s) 6, 8, 9, 15, 16, 22, 23 and 28-30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Action is in regards to the Appeal Brief received on 02/27/2006.

Response to Appeal Brief

1. This action is responsive to the application filed on 02/27/2006. Claims 1-30 are pending, of which claims 1, 12, 21 and 25 are independent. No new claims have been added. Claims 1-30 represent a method and apparatus for a "Distributed Multipoint Conference".

2. The appeal proceedings requested by Appellants, their Legal Representatives and the Assignee have been withdrawn for the following reasons:

New Prior art of Fabybishenko et al (hereinafter Fabybishenko), US patent No. 6,934,702 B2 in combination with Falck et al (hereinafter Falck), U.S. Patent No. 6,360,265 B1 disclose most limitations of the claimed invention.

The foregoing rejections render moot the appellants' points of contentions as spelled out in the Appeal Brief.

Allowable Subject Matter

3. Claims 6, 8, 9, 15, 16, 22, 23, and 28-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5, 7, 10-14, 17-21, and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fabybishenko, in view of Falck.

Regarding claim 1: Fabybishenko teaches the invention substantially as claimed. Fabybishenko discloses a method comprising:

establishing a connection between a plurality of endpoints, including at least a requesting endpoint and one or more other participating endpoints (column 35, lines 35-47);

initiating a connection from the requesting endpoint to at least a third endpoint, the requesting endpoint identifying to the third endpoint the one or more other participating endpoints (column 35, lines 35-57); however, Fabybishenko does not disclose "a third endpoint directly establishing a connection between itself the one or more other participating endpoints identified by the requesting endpoint, the third endpoint identifying the requesting endpoint to the one or more other participating endpoints".

In the same field of endeavor, Falck discloses a method that "...illustrates the establishment of a second TCP connection between the H.323 multimedia terminal (102) and the H.323 multimedia server (110, 112 or 114) for the exchange of H.245

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protocol messaging. As shown in step 500, the H.323 multimedia terminal (102) assigns a third TCP port corresponding to the H.323 multi-media terminal (102). A SYN message is sent from the H.323 multi-media terminal (102) to the H.323 multi-media server (110, 112 or 114)..." [see *Falck*, column 7, lines 34-48].

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated *Falck*'s teachings of a a third endpoint directly to establish a connection between itself and the one or more other participating endpoints, with the teachings of Fabybishenko, for the purpose of "...providing the network with a distributed information discovery platform that enables discovery of information from distributed information providers..." as stated by Fabybishenko lines 14-20 of column 1. By this rationale **claim 1** is rejected.

Regarding claim 2: the combination of Fabybishenko-Falck discloses the method of claim 1 in which the connections between endpoints comprise connections that support unicast streams [see Fabybishenko; column 35, lines 14-34].

Regarding claim 3: the combination of Fabybishenko-Falck discloses the method of claim 1 further comprising at each of the endpoints, mixing streams received from each of the other endpoints to form a logical conference [see *Falck*; column 1, lines 29-43].

Regarding claim 4: the combination of Fabybishenko-Falck discloses the method of claim 1 further comprising, in response to the initiation of the connection from the requesting endpoint, establishing a connection from the third endpoint to the requesting endpoint [see *Falck*, column 7, lines 34-48].

Regarding claim 5: the Combination Fabybishenko-Falck teaches the method of claim 1, but fails to disclose a method in which initiating a connection comprises sending an H.323 setup request message that includes an identity of the one or more other participating endpoints [see *Falck*, column 5, lines 1-10].

Regarding claim 7: The combination of Fabybishenko-Falck teaches the method of claim 1 in which establishing the connection between the third endpoint and the one or more other participating endpoints comprises sending an H.323 setup request message that includes an identity of the requesting endpoint [see *Falck*, column 5, lines 1-10].

Regarding claim 10: the combination of Fabybishenko-Falck discloses the method of claim 1 in which the initiating and establishing are repeated to form an N-way conference, where N is an integer greater than three [see *Falck*, column 7, lines 34-48].

Regarding claim 11: The combination of Fabybishenko-Falck teaches the method of claim 1, in which initiating a connection to a third endpoint is performed in response to input received from a user of an Internet Protocol telephony application [see *Falck*, column 1, lines 29-43; column 7, lines 34-48].

Regarding claim 12: the combination of Fabybishenko-Falck discloses a method of facilitating a multipoint conference among three or more endpoints, the method comprising:

receiving from an requesting endpoint information comprising an invitation to establish a connection with the requesting endpoint, the invitation identifying one or

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more other participating endpoints participating in a conference with the requesting endpoint (see Fabybishenko; column 35, lines 35-47); and

directly sending to each of the other participating endpoints identified by the requesting endpoint an invitation to establish a connection and information identifying the requesting endpoint(see Fabybishenko; column 35, lines 35-57); and

directly sending to each of the other participating endpoints identified by the requesting endpoint an invitation to establish a connection and information identifying the requesting endpoint [see *Falck*, column 7, lines 34-48].

Regarding claim 13: the combination of Fabybishenko-Falck discloses the method of claim 12 further comprising, in response to receiving an invitation from the requesting endpoint, establishing a connection with the requesting endpoint (see Fabybishenko; column 35, lines 35-47).

Regarding claim 14: the combination of Fabybishenko-Falck discloses the method of claim 13 in which establishing the connection with the requesting endpoint is order independent from sending invitations to each of the other participating endpoints identified by the requesting endpoint (see Fabybishenko; column 35, lines 35-47)

Regarding claim 17: the combination of Fabybishenko-Falck discloses the method of claim 12 further comprising, in response to sending invitations to the other participating endpoints, receiving from each of the other participating endpoints information establishing a connection [see *Falck*, column 7, lines 34-48].

Regarding claim 18: the combination of Fabybishenko-Falck discloses the method of claim 12 further comprising mixing a plurality of unicast streams received

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from the inviting and other participating endpoints to form a logical conference [see Fabybishenko; column 35, lines 14-34].

Regarding claim 19: the combination of Fabybishenko-Falck discloses the method of claim 18 in which the plurality of unicast streams include voice data or video data or both [see Fabybishenko; column 35, lines 14-34].

Regarding claim 20: The combination of Fabybishenko-Falck teaches the method of claim 12, in which the receiving and sending are performed by an Internet Protocol telephony application [see *Falck*, column 1, lines 29-43; column 7, lines 34-48].

Regarding claim 21: the combination of Fabybishenko-Falck discloses a machine-accessible medium including instructions that, when executed, cause a machine to:

directly receive from an requesting endpoint information comprising an invitation to establish a connection with the requesting endpoint and identifying one or more other endpoints participating in a conference with the requesting endpoint (see Fabybishenko; column 35, lines 35-47);

directly establish a connection with the requesting endpoint(see Fabybishenko; column 35, lines 35-47);

directly send to each of the other endpoints identified by the requesting endpoint an invitation to establish a connection and information identifying the requesting endpoint [see *Falck*, column 7, lines 34-48];

directly receive from each of the other endpoints information establishing a connection[see *Falck*, column 7, lines 34-48]; and

mix a plurality of unicast streams received from the inviting and other endpoints to form a logical conference [see Fabybishenko; column 35, lines 14-34].

Regarding claim 24: The combination of Fabybishenko-Falck teaches the machine accessible medium of claim 21 in which the instructions are performed by an Internet Protocol telephony application [see *Falck*, column 1, lines 29-43; column 7, lines 34-48].

Regarding claim 25: Hirni teaches the invention substantially as claimed. Hirni discloses a system comprising:

a user interface configured to receive from a user of the application input identifying one or more endpoints to be called to form a conference and to present a plurality of media streams to the user in a format that suggests inter-relatedness of the streams; and

H.323 protocol support for performing the following Internet Protocol (IP) telephony operations:

(i) receive from an requesting endpoint information comprising an invitation to establish a connection with the requesting endpoint and identifying one or more other endpoints participating in a conference with the requesting endpoint (see Fabybishenko; column 35, lines 35-47);

(ii) establish a connection with the requesting endpoint (see Fabybishenko; column 35, lines 35-47);

(iii) send to each of the other endpoints identified by the requesting endpoint an invitation to establish a connection and information identifying the requesting endpoint [see *Falck*, column 7, lines 34-48];

(iv) receive from each of the other endpoints information establishing a connection [see *Falck*, column 7, lines 34-48]; and

(v) mix a plurality of unicast streams received from the inviting and other endpoints to form a logical conference [see *Fabybishenko*; column 35, lines 14-34].

Regarding claim 26: the combination of *Fabybishenko-Falck* discloses the application of claim 25 wherein the application comprises a client application configured to be executed on a computer system associated with the user, the client configured to communicate with a remote server application to provide the user with IP telephony functionality [see *Falck*, column 1, lines 29-43; column 7, lines 34-48].

Regarding claim 27: the combination of *Fabybishenko-Falck* discloses the application of claim 25 wherein, if two or more of the unicast streams comprise audio information, the user interface is configured to overlay the audio streams to suggest inter-relatedness [see *Fabybishenko*; column 35, lines 14-34].

Conclusion

6. Accordingly, **THIS ACTION IS MADE NON-FINAL**. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3719.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

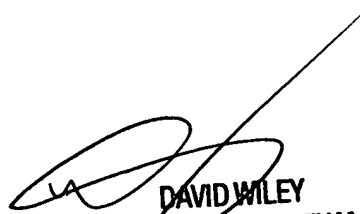
Jude Jean-Gilles

Patent Examiner

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JJC

May 29, 2006


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100